

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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ARGENIS CORTES, CARMEL SMITH and  
CEHAM MOHAMED, et al.

Plaintiffs,

-against-

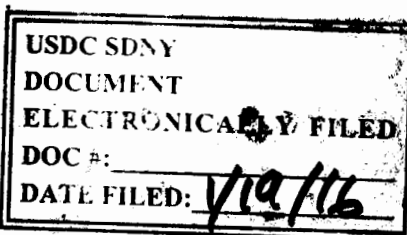
FOOT LOCKER, INC.,

Defendant.

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: 06 CV 1046 (AKH)

: **ORDER GRANTING FINAL  
APPROVAL OF SETTLEMENT**



On the 7th day of January, 2016, the Court heard Plaintiffs' Unopposed Motion for Final Approval of FLSA Settlement ("Motion for Final Approval") by and between Named Plaintiffs, Argenis Cortes, Carmel Smith and Ceham Mohamed, on behalf of themselves and as representatives of the Opt-In Plaintiffs described and identified in the Motion for Approval, and Defendant Foot Locker, Inc. The Court has considered the settlement memorialized in the Motion for Final Approval and supporting papers, filed on December 24, 2015 (ECF Dkt. No. 164), along with the related oral submissions of counsel, and hereby finds and orders as follows:

1. The Court finds that the settlement memorialized in the Stipulation of Settlement and Release Agreement ("Settlement Agreement"), and filed with the Court, meets the requirements for final approval.
2. The Court has jurisdiction over the subject matter of this litigation.
3. The Court finds that the terms of the Settlement memorialized in the Settlement Agreement, and filed with the Court, were negotiated at arm's-length, and are finally approved as fair, reasonable and adequate in light of the factual, legal, practical and

procedural considerations raised by this litigation, and orders that the Settlement Agreement shall be consummated and implemented in accordance with its express terms and conditions.

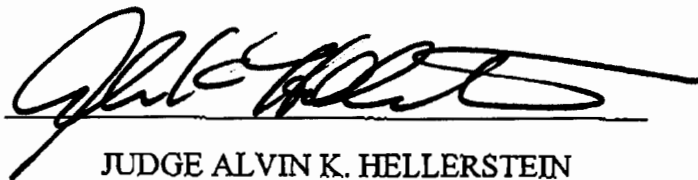
4. The Class Notice, as approved by the Court on November 6, 2015, provided the best, practical means of providing notice under the circumstances and constituted due and sufficient notice of the proposed settlement and final approval hearing to all affected by or entitled to participate in the settlement. The class notices were accurate, objective, informative, and provided the Opt-in Plaintiffs all of the information necessary to make an informed decision regarding their participation in the Settlement and its fairness.
5. No objections to the Settlement were received by the Court.
6. The Court hereby grants final approval of the Settlement Agreement.
7. The Settlement Administrator is authorized to mail reminder post cards to Named and Opt-in Plaintiffs according to the terms of the Settlement Agreement.
8. This Final Approval Order shall not be construed or used as an admission, concession, or declaration of any fault, wrongdoing, breach or liability of any of the Parties.
9. This litigation is dismissed with prejudice upon the effective date of this Order as to all Named Plaintiffs and Opt-in Plaintiffs who sign, endorse, cash, deposit or otherwise negotiates his or her settlement check and without prejudice to all Named Plaintiffs and Opt-In Plaintiffs who do not sign, collect, cash, deposit or otherwise negotiate their settlement checks within the 150-day period. Named Plaintiffs will file a list of names with the Court of those dismissed with prejudice and those, if any, dismissed without

prejudice from this litigation according to the terms of the Settlement Agreement.

10. The Court hereby retains jurisdiction of all matters relating to the interpretation, implementation, effectuation, or enforcement of the Settlement Agreement. The Court further retains jurisdiction to enforce this Order,
11. The Court approves Plaintiffs' fee of \$76,923.55, and allowance of expenses of \$119,228.15. Those amounts shall be payable by defendant Foot Locker, Inc. at the time of funding of the settlement. All said sums have been paid by defendant.
12. In addition, defendant Foot Locker, Inc. will pay all costs of the Settlement Administrator, and those costs shall not be deducted from the "Settlement Consideration" as defined in the Settlement Agreement or any other payments required to be made by defendant under the Settlement Agreement.

IT IS SO ORDERED

*Jan 15, 2016*



JUDGE ALVIN K. HELLERSTEIN